UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,481	12/07/2000	Rabindranath Dutta	AUS920000822US1	3171

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EXAMINER
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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 September 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-7,12,13,15-18,23,24 and 26-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-7,12,13,15-18,23,24 and 26-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some* c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the Amendment filed 09/13/04.

2.   Claims 1, 4-7, 12, 15-18, 23 and 26-29 were amended.

3.   Claims 3, 8-11, 14, 19-22, 25 and 30-33 were canceled.

4.   Claims 1, 2, 4-7, 12, 13, 15-18, 23, 24, and 26-29 are pending in this Office

Action.

Response to Amendment

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action.

6.   The objection to Claims 1, 12 and 23 was not addressed and still stands.

7.   The objection to Claims 4-7, 15-18 and 26-29 is withdrawn.

Claim Objections

8.   Claims 1, 12 and 23 objected to because of the following informalities: All

instances of "the application" (for example, lines 2-3 and 12-13 in Claim 1) should be

"the data sharing application" for consistency and clarity. Appropriate correction is

required.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 1, 2, 4-7, 12, 13, 15-18, 23, 24 and 26-29 are rejected under 35 U.S.C.

103(a) as being unpatentable over "Gnutella Support", from gnutella.wego.com,

12/31/1999 (as cited in submitted IDS) (Gnutella) in view of U.S. Patent 6,742,023 by

Fanning et al. (Fanning).

11.   With respect to Claim 1, Gnutella teaches a method for operating a data sharing

application in a peer-to-peer network (Page 3, 'For Techies'), wherein the application

executes on a source node (Page 3), the method comprising: establishing a connection

between the source node and a target node in the peer-to-peer network (Page 3-4, 'Just

tell me how to get connected'); receiving node characterizing data from the target node

(Page 3, figure under 'Lets get started', Pages 4-5, 'Connection List', 'Connection Stats'

and 'GnutellaNet Stats'); and displaying the node characterizing data within the

application at the source node (Page 3, figure under 'Lets get started'). Gnutella does

not explicitly disclose the node characterizing data contain information classification

data for content data that is available form the target node, wherein the information

classification data indicates multiple categories into which content data that is available

from the target node has been classified. Fanning teaches data characterizing a node

can contain information classification data for content data that is available from the

target node, wherein the information classification data indicates multiple categories into

which content data that is available from the target node has been classified (Col. 5 line

66 - Col. 6 line 11). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to take the method disclosed by Gnutella and modify it as
indicated by Fanning such that the node characterizing data contains information
classification data for content data that is available form the target node, wherein the
information classification data indicates multiple categories into which content data that
is available from the target node has been classified. One would be motivated to have
this, as there is need for users to be able to quickly and reliably locate data they wish to
acquire (Col. 2 lines 6-10 and Col. 5 line 66 - Col. 6 line 11 of Fanning).

12.   With respect to Claim 2, Gnutella in view of Fanning teaches all the limitations of
Claim 1 and further teaches automatically requesting the node characterizing data from
the target node in response to establishing a connection with the target node.
(Gnutella, Page 3, figure under 'Lets get started', specifically note the different stats and
information about current connections – such as IP address, type, Info – gnutellaNet
stats, and network information. These are stats are automatically populated upon
connecting to a gnutella server through the use of a 0x00 message – See 'Cap'n Bry's
gnutella search' included with submitted IDS).

13.   With respect to Claim 4, Gnutella in view of Fanning teaches all the limitations of
Claim 1 and further teaches wherein content data that is available from the target node
includes content data that is stored at the target node and content data that is stored at
nodes from which the target node is able to retrieve data (Col. 5 line 60 - Col. 6 line 11
of Fanning).

14.   With respect to Claim 5, Gnutella in view of Fanning teaches all the limitations of
Claim 4 and further teaches wherein the information classification data for content data

that is available from the target node includes information classification data that has

been received at the target node from other nodes (Col. 5 line 60 - Col. 6 line 11 of

Fanning).

15.   With respect to Claim 6, Gnutella in view of Fanning teaches all the limitations of

Claim 4 and further teaches wherein the information classification data for content data

that is available from the target node includes information classification data that has

been received at the target node from other nodes within a number of links from the

target node (Col. 5 lines 26-40 and Col. 5 line 60 - Col. 6 line 11 of Fanning).

16.   With respect to Claim 7, Gnutella in view of Fanning teaches all the limitations of

Claim 4 and further teaches wherein the node characterizing data includes an indication

of a measure of a depth of links from the target node has received information

classification data (Page 5, definition of 'Hosts', note it includes direction connections

and direction connection's connections).

17.   With respect to Claim 12, Gnutella teaches an apparatus for operating a data

sharing application in a peer-to-peer network (Page 3, *'For Techies'*), wherein the

application executes on a source node (Page 3), the apparatus comprising: establishing

means for establishing a connection between the source node and a target node in the

peer-to-peer network (Page 3-4, 'Just tell me how to get connected'); receiving means

for receiving node characterizing data from the target node (Page 3, figure under 'Lets

get started', Pages 4-5, 'Connection List', 'Connection Stats' and 'GnutellaNet Stats');

and displaying means for displaying the node characterizing data within the application

at the source node (Page 3, figure under 'Lets get started'). Gnutella does not explicitly

disclose the node characterizing data contain information classification data for content

data that is available form the target node, wherein the information classification data

indicates multiple categories into which content data that is available from the target

node has been classified. Fanning teaches data characterizing a node can contain

information classification data for content data that is available from the target node,

wherein the information classification data indicates multiple categories into which

content data that is available from the target node has been classified (Col. 5 line 66 -

Col. 6 line 11). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to take the apparatus disclosed by Gnutella and modify it as

indicated by Fanning such that the node characterizing data contains information

classification data for content data that is available form the target node, wherein the

information classification data indicates multiple categories into which content data that

is available from the target node has been classified. One would be motivated to have

this, as there is need for users to be able to quickly and reliably locate data they wish to

acquire (Col. 2 lines 6-10 and Col. 5 line 66 - Col. 6 line 11 of Fanning).

18.   With respect to Claim 13, Gnutella in view of Fanning teaches all the limitations

of Claim 12 and further teaches requesting means for automatically requesting the node

characterizing data from the target node in response to establishing a connection with

the target node. (In Gnutella, Page 3, figure under 'Lets get started', specifically note

the different stats and information about current connections – such as IP address, type,

Info – gnutellaNet stats, and network information. These are stats are automatically

populated upon connecting to a gnutella server through the use of a 0x00 message –
See 'Cap'n Bry's gnutella search' included with submitted IDS).

19.   With respect to Claim 15, Gnutella in view of Fanning teaches all the limitations
of Claim 12 and further teaches wherein content data that is available from the target
node includes content data that is stored at the target node and content data that is
stored at nodes from which the target node is able to retrieve data (Col. 5 line 60 - Col.
6 line 11 of Fanning).

20.   With respect to Claim 16, Gnutella in view of Fanning teaches all the limitations
of Claim 12 and further teaches wherein the information classification data for content
data that is available from the target node includes information classification data that
has been received at the target node from other nodes (Col. 5 line 60 - Col. 6 line 11 of
Fanning).

21.   With respect to Claim 17, Gnutella in view of Fanning teaches all the limitations
of Claim 12 and further teaches wherein the information classification data for content
data that is available from the target node includes information classification data that
has been received at the target node from other nodes within a number of links from the
target node (Col. 5 lines 26-40 and Col. 5 line 60 - Col. 6 line 11 of Fanning).

22.   With respect to Claim 18, Gnutella in view of Fanning teaches all the limitations
of Claim 12 and further teaches wherein the node characterizing data includes an
indication of a measure of a depth of links from the target node has received information
classification data (Page 5, definition of 'Hosts', note it includes direction connections
and direction connection's connections).

23.   With respect to Claim 23, Gnutella teaches a computer program product on a

computer readable medium for use in a data processing system for operating a data

sharing application in a peer-to-peer network (Page 3, *'For Techies'*), wherein the

application executes on a source node (Page 3), the computer program product

comprising: instructions for establishing a connection between the source node and a

target node in the peer-to-peer network (Page 3-4, 'Just tell me how to get connected');

instructions for receiving node characterizing data from the target node (Page 3, figure

under 'Lets get started', Pages 4-5, 'Connection List', 'Connection Stats' and

'GnutellaNet Stats'); and instructions for displaying the node characterizing data within

the application at the source node (Page 3, figure under 'Lets get started'). Gnutella

does not explicitly disclose the node characterizing data contain information

classification data for content data that is available form the target node, wherein the

information classification data indicates multiple categories into which content data that

is available from the target node has been classified. Fanning teaches data

characterizing a node can contain information classification data for content data that is

available from the target node, wherein the information classification data indicates

multiple categories into which content data that is available from the target node has

been classified (Col. 5 line 66 - Col. 6 line 11). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to take the computer program

product disclosed by Gnutella and modify it as indicated by Fanning such that the node

characterizing data contains information classification data for content data that is

available form the target node, wherein the information classification data indicates

multiple categories into which content data that is available from the target node has

been classified. One would be motivated to have this, as there is need for users to be

able to quickly and reliably locate data they wish to acquire (Col. 2 lines 6-10 and Col. 5

line 66 - Col. 6 line 11 of Fanning).

24.   With respect to Claim 24, Gnutella in view of Fanning teaches all the limitations

of Claim 23 and further teaches instructions for automatically requesting the node

characterizing data from the target node in response to establishing a connection with

the target node (Gnutella, Page 3, figure under 'Lets get started', specifically note the

different stats and information about current connections – such as IP address, type,

Info – gnutellaNet stats, and network information. These are stats are automatically

populated upon connecting to a gnutella server through the use of a 0x00 message –

See 'Cap'n Bry's gnutella search' included with submitted IDS).

25.   With respect to Claim 26, Gnutella in view of Fanning teaches all the limitations

of Claim 23 and further teaches wherein content data that is available from the target

node includes content data that is stored at the target node and content data that is

stored at nodes from which the target node is able to retrieve data (Col. 5 line 60 - Col.

6 line 11 of Fanning).

26.   With respect to Claim 27, Gnutella in view of Fanning teaches all the limitations

of Claim 26 and further teaches wherein the information classification data for content

data that is available from the target node includes information classification data that

has been received at the target node from other nodes (Col. 5 line 60 - Col. 6 line 11 of

Fanning).

27.   With respect to Claim 28, Gnutella in view of Fanning teaches all the limitations

of Claim 26 and further teaches wherein the information classification data for content

data that is available from the target node includes information classification data that

has been received at the target node from other nodes within a number of links from the

target node (Col. 5 lines 26-40 and Col. 5 line 60 - Col. 6 line 11 of Fanning).

28.   With respect to Claim 29, Gnutella in view of Fanning teaches all the limitations

of Claim 26 and further teaches wherein the node characterizing data includes an

indication of a measure of a depth of links from the target node has received information

classification data (Page 5, definition of 'Hosts', note it includes direction connections

and direction connection's connections).

Response to Arguments

29.   Applicant's arguments with respect to claims 1, 2, 4-7, 12, 13, 15-18, 23, 24, and

26-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

30.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

31.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Lazaro
January 10, 2005

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER